

11:02 am, Feb 10, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ILKB, LLC.,

Plaintiffs,

v.

JIM HARRER and BEST HOUR FITNESS, INC.,
Defendants.

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Civil Action No. 19-cv-6405-GRB-SIL

NOTICE OF VOLUNTARY DISMISSAL

NOTICE IS HEREBY GIVEN that Plaintiff ILKB, LLC, through its undersigned counsel, dismisses the above-captioned action against Defendants Jim Harrer and Best Hour Fitness, Inc. without prejudice to its right to file future lawsuits or otherwise seek redress of its grievances through alternative dispute resolution.

Such dismissal is proper and no court order is required because the opposing party has not yet appeared nor filed an answer or motion for summary judgment. *See Fed. R. Civ. P. 41(a)(1)(A)(i)* (plaintiff may dismiss an action without a court order in such circumstances).

Respectfully Submitted,

Dated: February 7, 2020
Jericho, New York

NIXON PEABODY LLP

By: /s/ Daniel C. Gibbons
Daniel C. Gibbons
Marissa A. Muscarella

SO ORDERED.

The Clerk is directed to mark this case closed.

Dated: 2/10/2020

/s/ GARY R. BROWN
Gary R. Brown, U.S.D.J.

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Attorneys for Plaintiff ILKB, LLC

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 7, 2020.

/s/ Daniel C. Gibbons
Daniel C. Gibbons